

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,)	
)	
Petitioners,)	
)	
THE COMMONWEALTH OF VIRGINIA,)	
)	
Intervenor-Petitioner,)	
)	
v.)	Civil Action No. 1:17-cv-116
)	
DONALD TRUMP, President of the United)	
States, et al.,)	
)	
Respondents.)	

DECLARATION OF NAJWA ELYAZGI

I, Najwa Elyagi, declare that the following facts are true to the best of my knowledge, information and belief:

1. I am a twenty-three-year-old student at George Mason University in Fairfax, Virginia. I have been a student at GMU since 2014, and I am now in my senior year pursuing a bachelor's degree in international relations, with minors in leadership and conflict resolution. I have devoted myself with passion to my studies and currently have a 3.98 grade point average (GPA). I am active in organizations that relate to my interest in international relations and politics, and I want my career to involve helping countries get along better.

2. I am a citizen of Libya. While there is political instability in Libya, the vast majority of Libyans yearn for peace and democracy. They consider the United States their friend and are allies in the fight against terrorism. I have family who live in the United States,

including a brother who is a green-card holder and is doing his medical residency, and an aunt and uncle and cousins who are U.S. citizens.

3. In 2011, I had the highest GPA for my high-school year in Libya, and I was awarded a full scholarship by the Libyan government to study at any university in the world that granted me admission. I chose to apply to schools in the United States because I believed it was a country that would accept my culture, and I located near Washington, D.C. because of my interest in international relations and politics. Studying in the U.S. has been a cross-cultural and educational opportunity that is rarely available to Libyan women.

4. As a citizen of Libya, I can travel to the United States only on a Libyan passport. Visa applications from Libyans are heavily scrutinized and visas are difficult to get. I have an F-1 student visa, which required about a year to obtain in the first place. Whenever I leave the United States and wish to reenter, I need to obtain an updated F-1 visa. Without a U.S. embassy in the Libyan capital, Tripoli, Libyan citizens like me must travel outside the country to obtain a U.S. visa. Before this year, I had entered and left the United States seven times since 2014 without any problems.

5. During the break between GMU's fall and winter semesters, I traveled home to Libya to visit family. I departed the United States from Dulles International Airport on December 27, 2016. I originally planned to return to the United States on January 22, 2017, but the issuance of my updated F-1 visa by the U.S. consulate in London, England was delayed.

6. On January 27, having obtained an updated F-1 visa in London, I began my planned trip back to the United States. My travel itinerary from London to Dulles on Turkish Airlines included a 10-hour layover in Istanbul's Ataturk Airport. I arrived in Istanbul at 5 a.m. local time on January 28. My excitement about returning to school turned to high anxiety when I

got off the plane and learned on social media and at airport television monitors of President Trump's executive order (the "Executive Order"), which he had issued while I was in the air. I learned that the Executive Order prohibits persons travelling on passports from seven countries, including Libya, from entering or re-entering the United States.

7. I went to the boarding gate for my scheduled outbound flight to Dulles and asked the security officials assigned to that gate if I would be affected by the Executive Order, and they said no. They explained that they did not yet have official instructions from the U.S. Customs and Border Protection to implement the Executive Order. I felt deep relief when I was provided a boarding pass by airline personnel.

8. At 2 p.m., when I arrived to wait in line to board my scheduled flight, my relief turned to anxiety again when one of the same security officials approached me and said that he had received updated information about the Executive Order and that I would not be allowed to board the plane to Dulles. He pulled me out of line and the flight departed without me. I waited at the airport until 7 p.m. for my checked luggage to be returned to me, and then I left the airport in search of a hotel.

9. I found a hotel near the airport and ended up staying there for more than 6 days, alone and worried about what was going to happen. It was a nightmare. I checked the news frequently, and spoke often with my family and with contacts in the United States, including GMU, trying to figure out how I was going to get back. My classes at GMU had resumed, and I worried about my absence from them. I was also worried about the money I was spending while stranded. My family had to arrange for money to be sent to cover my unexpected lodging and travel expenses. Without knowing if I would ever be allowed to return to the United States, I

began looking at other universities outside the United States. I even applied to and was accepted by one, given my high grades and the emergency circumstances.

10. Late in the week, I learned that Lufthansa was recognizing an order by a federal court in Massachusetts that stopped the U.S. government and authorities from implementing the Executive Order against persons like me who had valid visas to study in the U.S. but happened to be abroad when the Executive Order was issued. The few tickets on Lufthansa flights to Boston were quickly snatched up, and although I would have paid a very high price just to get back, I was unable to purchase one.

11. Early on February 4, I learned that a federal court in Washington State had temporarily stopped enforcement of the Executive Order. Hoping it was true that the ban was lifted, I went to the airport and was so happy when security officials verified that for me. I quickly bought a ticket to Dulles on a Turkish Airlines flight that departed that morning—the same itinerary I had booked for a week earlier—and I was cleared to fly.

12. I arrived at Dulles the evening of February 4 and was very prepared for extra security to re-enter the United States. I was surprised to be allowed in very quickly. Instead of the hour or more I expected to wait, the process took only a few minutes. When I left the secure area, I was so happy to be greeted by my family and others who celebrated my arrival back.

13. I am now back in classes at GMU and I have been catching up on schoolwork since I returned. I am still frustrated by the ordeal that I experienced. The Executive Order was released hastily and became immediately effective without any advance warning to travelers like me. The lack of notice was grossly unfair to students like me who have respected the laws of the United States and made travel plans in reliance on our ability to come and go. My experience made me understand better how refugees must feel when their world is turned upside down.

14. I also wonder why the U.S. government did not do more to help. The Department of Homeland Security and the State Department were tasked by the Executive Order to develop any exceptions to the ban, but they appeared uninterested in making these exceptions. The U.S. Consulate in Istanbul told me it did not have jurisdiction to review my request for an exception to the Executive Order. I wondered whether the people who drafted the Executive Order really meant to keep me out of America and deprive me of an invaluable opportunity to complete my education at GMU.

15. Because of the Executive Order, I estimate that I incurred extra costs of about \$4,000 in food, lodging, and travel and flight-change fees. Luckily, my family was able to scramble and get the money to me, but I know others are not as fortunate.

16. Because of the Executive Order, I missed a week of classes, and I hope that I never have to miss any more. I worry that if the Executive Order is extended, and I am prevented from re-entering the United States if I have to leave, then my education plans will be severely disrupted, and I will have lost the significant time and money that I have invested in my education in the last three years.

17. Because of the Executive Order, I am reconsidering my plans to pursue a further degree in the United States. A master's degree would take about three years, and I could not risk the possibility of not being able to visit my parents during that time. Although I love the people of the United States, I am now considering applying to graduate programs in Canada instead.

Pursuant to 28 U.S.C. § 1746, I, Najwa Elyazgi, declare under the penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2017.



NAJWA ELYAZGI

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the counsel of record for Petitioners and Respondents.

By: /s/
Stuart A. Raphael